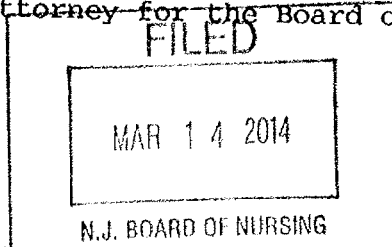
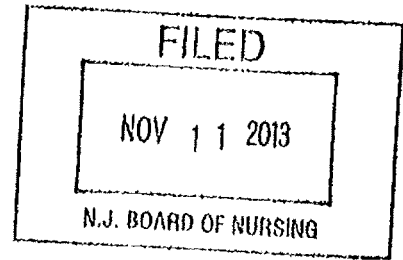


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

Final
ADMINISTRATIVE ACTION

IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE CERTIFICATE OF

Fatou Youla, C.H.H.A.
Certificate No. 26NH13726100

PROVISIONAL ORDER OF DISCIPLINE

Finalized by Default on: 4/14/14

TO PRACTICE AS A CERTIFIED
HOMEMAKER HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Nursing (the ABoard@) upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Fatou Youla, ("Respondent") is the holder of Homemaker Health Aid Certificate 26NH13726100 in the State of New Jersey. (See L2k printout annexed hereto as *Exhibit A*).

2. On or about June 1, 2013 the Board received notice of a

Reportable Event from Sunrise Assisted Living in Edgewater, indicating that Respondent had used a patient's credit card for unauthorized purchases in the amount of \$830.72. (Attached hereto as *Exhibit B*).

3. The matter was turned over to Edgewater Police Department, who correlated the charges to a Walgreen's in Jersey City, New Jersey, and obtained video footage from a security camera showing Respondent using the credit card. (See Edgewater Police Department report case #2013-004135, annexed hereto as *Exhibit C*).

4. The police report reflects that on or about May 30, 2013 police officers went to the Sunrise Assisted Living facility and questioned Respondent, who waived her rights and confessed to unauthorized use of the credit card. She was issued a summons and released on her own recognizance. A video of the confession is available on compact disc. The video is available and may be viewed upon request. (See *Exhibit C*, page 3).

5. Subsequently, on or about June 5, 2013, the Edgewater Police Department received a second complaint from the same facility, alleging theft of a different patient's credit card. The unauthorized charges totaled \$576.68. (See Edgewater Police Department Report # 2013-004865, annexed hereto as *Exhibit D*).

6. Having knowledge that Respondent was due to appear at Municipal Court on June 6, 2013, police officers waited for her

there. Another interview was conducted in which Respondent again confessed to theft of the second credit card, and use of that credit card to make unauthorized transactions in the amount of \$576.68. She was then issued another summons for the crime of Theft of a Credit Card. (See *Exhibit D*).

CONCLUSIONS OF LAW

The Respondent's admissions to Fraudulent use of a Credit Card constitute preliminary grounds to take disciplinary action against the Respondent's certification to practice as a certified homemaker-home health aide in New Jersey pursuant to N.J.S.A. 45:1-21(b), (e) and (f) in that Respondent has engaged in the use of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, has engaged in professional or occupational misconduct, and has engaged in acts constituting a crime relating adversely to the activity regulated by the Board.

ACCORDINGLY, IT IS on this 11 day of November, 2013,

ORDERED that:

1. Respondent's certification to practice as a homemaker-home health aide is provisionally suspended for a minimum of five years.

2. Respondent shall provisionally pay a penalty in the amount of \$1000.00, via certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box

45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after notice of the entry of any Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Prior to Board consideration of any application of Respondent's certification to practice as a CHHA, respondent shall provide documentation showing full compliance with the terms of any criminal sentencing that may result from the charges detailed above.

5. Prior to Board consideration of any request for reinstatement of her certification, Respondent shall appear before the Board to provide evidence of rehabilitation to the satisfaction of the Board, and to show competency to reenter practice as a homemaker home health aide, including completion of a homemaker home health aide training course as described in Board regulations.

6. Respondent shall provisionally refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as a certified homemaker-home

health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

7. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within 30 days of the date this Provisional Order is filed by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

8. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are

raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.

9. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

10. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty

imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APN, FAAN
Patricia Murphy, PhD, APN
President